

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STEPHEN D. COMSTOCK,

Petitioner,

vs.

STEFANIE HUMPHRIES, *et al.*,

Respondents.

3:10-cv-00147-LRH-RAM

ORDER

This habeas matter under 28 U.S.C. § 2254 comes before the Court following initial review under Rule 4 of the Rules Governing Section 2254 Cases (the “Habeas Rules”) of the amended petition (#14) filed by the Federal Public Defender, as well as on petitioner’s motion (#20) for a scheduling order. Following upon said review, a response will be directed.

IT THEREFORE IS ORDERED that petitioner’s motion (#20) for a scheduling order is GRANTED and that respondents shall have thirty (30) days from entry of this order within which to answer, or otherwise respond to, the amended petition, including by motion to dismiss. Any response filed shall comply with the remaining provisions below, which are tailored to this particular case based upon the Court’s screening of the amended petition and which are entered pursuant to Habeas Rule 4.

IT FURTHER IS ORDERED that any procedural defenses raised by respondents in this case shall be raised together in a single motion to dismiss. Procedural defenses omitted from such motion to dismiss will be subject to potential waiver. Rrespondents shall not file a response in this case that consolidates their procedural defenses, if any, with their response on the merits, except pursuant to 28

1 U.S.C. § 2254(b)(2) as to unexhausted claims clearly lacking merit.

2 IT FURTHER IS ORDERED that, in any answer filed on the merits, respondents shall
3 specifically cite to and address the applicable state court written decision and state court record
4 materials, if any, regarding each claim within the response as to that claim

5 IT FURTHER IS ORDERED that any additional exhibits filed by the parties herein shall be
6 filed with a separate index of exhibits identifying the exhibits by number or letter. The CM/ECF
7 attachments that are filed further shall be identified by the number or numbers (or letter or letters) of
8 the exhibits in the attachment, as counsel for petitioner has done in ## 15-18.

9 IT FURTHER IS ORDERED that petitioner shall have thirty (30) days from service of the
10 answer, motion to dismiss, or other response to file a reply or opposition.

11 DATED this 12th day of March, 2011.

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LARRY R. HICKS
16 UNITED STATES DISTRICT JUDGE
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